

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BILLINGS DIVISION**

SIGNAL PEAK ENERGY, LLC,

Plaintiff,

vs.

EASTERN MONTANA MINERALS,
INC., and MUSSLESHELL
RESOURCES, LLC,

Defendants and
Counterclaim Plaintiffs,

vs.

SIGNAL PEAK ENERGY, LLC;
FIRSTENERGY CORP.;
FIRSTENERGY VENTURES CORP.;
FIRSTENERGY GENERATION
CORP.; GUNVOR GROUP, LTD.;
PINESDALE LLC; BOICH
COMPANIES, LLC; GLOBAL
COAL SALES GROUP, LLC; and
GLOBAL MINING HOLDING
COMPANY, LLC,

Counterclaim Defendants.

Case Number: CV 12-55-BLG-RFC

**DECLARATION OF JACQUES
RAYMOND ERNI**



JACQUES RAYMOND ERNI, pursuant to 28 U.S.C. § 1746(1) declares
under penalty of perjury the following:

1. I am a director of Gunvor Group Ltd. ("Gunvor"). As part of my duties, I am responsible for implementation/monitoring of decisions of the Group. As such, I am personally familiar with the pertinent facts raised in the Counterclaims filed by Eastern Montana Minerals, Inc. and Musselshell Resources, LLC (collectively, "EMM") in the above-captioned action as they pertain to Gunvor, based on my experience in this position and my review of Gunvor's records.
2. This Declaration is respectfully submitted in support of Counterclaim Defendant Gunvor's motion for an order dismissing EMM's counterclaims against Gunvor.
3. Gunvor is a private company, limited by shares, domiciled in Cyprus.
4. Gunvor is a holding company for an independent commodities trading group that operates in the trade, transport, storage and optimization of petroleum and other energy products.
5. Gunvor's principal place of business is in Cyprus. Gunvor, through its group companies, also has trading offices in Geneva, Singapore, Bahamas and Dubai; and additional network offices around the globe.
6. Gunvor has never and does not now conduct business in Montana.
7. Gunvor does not maintain a place of business in Montana.
8. Gunvor is not registered to do business in Montana.

9. In October, 2011, a transaction occurred (the “2011 Transaction”) whereby the indirect subsidiary of Gunvor, Pinesdale, LLC (“Pinesdale”), purchased a one-third share of a company known as Global Mining Holding Company, LLC (“Global Holding”).
10. Pinesdale is a limited liability company formed under the laws of Delaware.
11. Pinesdale is not registered to do business in Montana, does not maintain a place of business in Montana, and does not – and never has – conducted business in Montana.
12. Pinesdale also does not have members who are citizens of Montana.
13. Gunvor is not a member of Pinesdale.
14. Signal Peak Energy, LLC (“Signal Peak” or “SPE”) – the plaintiff in the instant action – is an indirect subsidiary of Global Holding. Signal Peak has a leasehold interest in a coal mine, (*i.e.*, the July 16, 2008 Coal and Coalbed Methane Lease and Water Rights Conveyance (the “Lease”)).
15. Gunvor is not a party to the Lease.
16. In 2008 Signal Peak entered into a coal sales agreement (the “CSA”) with a company called FirstEnergy Generation Corporation (“FEG”).
17. Gunvor is not a party to the CSA or any amendment of the CSA.
18. Gunvor is also not a member, director or officer of any of the Counterclaim Defendants.

19. As such, Gunvor is not involved in the operations or corporate decision-making of the other Counterclaim Defendants.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated: June 27, 2012



JACQUES RAYMOND ERNI